

**IN THE U.S. DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

ARTHUR GINSBERG)
)
)
 v.)
)
 JAMES L. DeHART,)
 JOHN P. GRIFFITH,)
 LANDYA B. McCAFFERTY,) Case No. 1:10-cv-00452-JAW
 MARGARET H. NELSON,)
 DIANE M. NICOLOSI,)
 MAX DOES 1 through 12,)
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**PLAINTIFF'S MOTION REQUESTING THAT THE COURT
CONVENE A PRELIMINARY PRETRIAL CONFERENCE**

NOW COMES Plaintiff, appearing in his pro-se capacity, and respectfully requests that this Court convene a preliminary pretrial conference pursuant to Local Rule 16.1. In support thereof, the Plaintiff states:

1. Discovery in this action has not yet commenced, but is required by the Plaintiff so as to enable more complete responses to the unresolved dispositive motions.
2. Local Rule 16.1 appears to mandate that a preliminary pretrial conference be held in this action.

16.1 Preliminary Pretrial Conferences

(a) **Scheduling.** The court will hold a preliminary pretrial conference in all cases except those cases which have been designated as administrative track cases pursuant to LR 40.1 or those cases in which the discovery plan has been approved.

(b) **Subjects for Consideration.** The court may consider and take appropriate action on any matter referenced in the discovery plan filed by the parties pursuant to Fed. R. Civ. P. 26(f) and any other subject listed in Fed. R. Civ. P. 16(c). The parties shall be prepared to discuss a proposed trial date, any stipulated or proposed changes to the disclosures under Fed. R. Civ. P. 26 or the presumptive limits in Fed. R. Civ. P. 30(a), 30(b), 31(a), 33(a) or the number of requests in Fed. R. Civ. P. 36.

See Civil Form 2.

(§ (a) amended 1/1/00; § (b) amended 1/1/01)

3. Plaintiff would like to serve interrogatories, request for the production of documents, and requests for admissions on the Defendants, but believes that he cannot do so until this Court approves a discovery plan.
4. Plaintiff would present his proposed discovery plan at the preliminary pretrial conference, or at such time the Court directs him to do so.
5. Plaintiff has made a good faith effort to obtain concurrence in the relief sought by this motion. Attorney John C. Kissinger, representing Defendant John P. Griffith, objects to the relief sought by this motion. Attorney K. Allen Brooks, representing Defendants James L. DeHart, Landya B. McCafferty, Margaret H. Nelson and Diane M. Nicolosi, objects to the relief sought by this motion.
6. A memorandum of law is not required because the relief sought by this motion is totally within the sound discretion of the Court.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court:

- A. Schedule a preliminary pretrial conference pursuant to Local Rule 16.1, and
- B. Grant such other relief as is just and equitable.

Respectfully submitted,

Dated: March 19, 2011

/s/ Arthur Ginsberg
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CERTIFICATE OF SERVICE

I, Arthur Ginsberg hereby certify that on this 19th day of March 2011, I served copies of the foregoing Motion on all Counsel of Record via ECF.

/s/ Arthur Ginsberg
Arthur Ginsberg